February 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Method and apparatus for providing on-demand electronic advertising

US File # **20010013125** Filed: April 12, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20010013125

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as a "computer system" presumably residing in a settop box connected to a television. Within this system, he builds and stores (Claim 10) a database containing a plurality of advertisements dynamically retained at the client terminal and triggered by user channel selections or interactions passively reactive to other resident programs (0008) The system is described in paragraphs (0007) (0008) (0009) and others.

Relevant Claims are 10, 11, 13 and others. The abstract reads in part, "Ondemand electronic advertising information is provided for items used in scenes of television programs. The advertising information is received along with broadcasts of associated television programs. Selected advertisement modes alert a viewer when advertising information is available for an item displayed in a scene of the television program broadcast. The viewer alert comprises displayed marks superimposed over the broadcast of the television program."

Selecting a channel or show on television which is the equivalent to a URL into a browser locator window that makes a match with an advertising database maintained at the client system in the remotely controlled and updated database (0008) and in the event a match is made by comparing, an appropriate advertisement is displayed or inserted into the video stream even superimposing over the existing TV display or opening a PIP (pop up) to display the ad. (0009)

Relevant Claims are: 10, 11, 13 and others. Basing ad display upon program selection comparisons, demographics or time is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet, both are electronic communication networks.

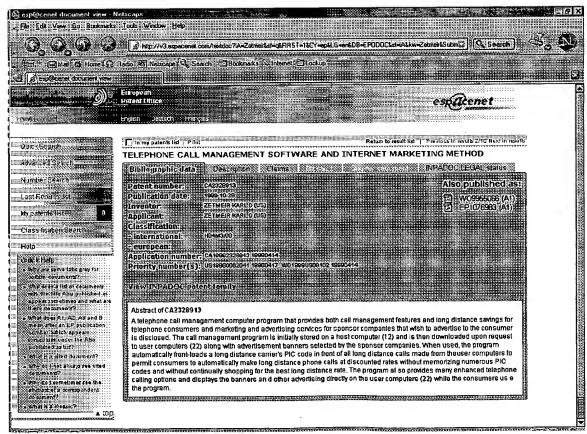
This is referred to as "pull" advertising as a voluntary action (channel or content selection) on the part of a user interacts with a pre-established client database and a targeted ad is displayed.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection, URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

- 1. US Patent 6,141,010 ... similar technology
- 2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
- 3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 4/12/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.



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E United States Patent 6,141,010		
	USPTO PATENT FULL-TEXT AND IMAGE DATABASE	
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		(1 of 1)
United States Patent		6,141,010
Hoyle		October 31, 2000
Computer interface method a	nd apparatus with targeted advertising	
	Abstract	
A method and apparatus for provide interaction with the computer. The:	ing an automatically upgradeable software application that includes targeted advertising b software application is a graphical user interface that includes a display region used for bar	ased upon demographics and user mner advertising that is downloaded from

time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

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